

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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KHAMSAY XAYAMONTY,

Plaintiff,

v.

UNITED STATES OF AMERICA,

Defendant.

Case No. 2:22-cv-01175-GMN-EJY

ORDER

I. DISCUSSION

On August 3, 2022, Plaintiff filed an incomplete application to proceed *in forma pauperis* (“IFP”). ECF No. 3. On August 8, 2022, the Court issued an Order denying, without prejudice, Plaintiff’s IFP request. ECF No. 4. The Order explained to Plaintiff that his application was missing a financial certificate and his inmate account statement for the previous six months.¹ *Id.* The Order gave Plaintiff through September 8, 2022 to refile his application, and included instructions as well as the blank forms so that Plaintiff could proceed successfully. *Id.*

On August 22, 2022, Plaintiff filed his second IFP application. ECF No. 7. Plaintiff’s second application to proceed IFP is again incomplete. The application is missing the same documents—the inmate account statement and a properly executed financial certificate—that were missing in Plaintiff’s first filing. The Court advises Plaintiff that a financial certificate and an inmate account statement are not the same thing. *See* ECF No. 4-1 at 5-6.

II. ORDER

Accordingly, IT IS HEREBY ORDERED that Plaintiff’s second application to proceed *in forma pauperis* (ECF No. 7) is DENIED without prejudice.

¹ The account statement and financial certificate are required by 28 U.S.C. § 1915(a)(2) and Local Rule LSR 1-2.

1 IT IS FURTHER ORDERED that the Clerk of the Court will send Plaintiff, for the second
2 and last time, the approved form application to proceed *in forma pauperis* by an inmate, as well as
3 the document entitled information and instructions for filing an *in forma pauperis* application.

4 IT IS FURTHER ORDERED that on or before **September 26, 2022**, Plaintiff **must** file a
5 **complete** IFP application on this Court's approved form, which **includes his inmate account**
6 **statement for the past six months and a properly executed financial certificate**, in compliance
7 with 28 U.S.C. § 1915(a). Alternatively, Plaintiff may pay the \$402 filing fee for a civil action on
8 or before this date.

9 IT IS FURTHER ORDERED that if Plaintiff fails to submit a complete IFP application
10 including an inmate account statement for the past six months and a properly executed financial
11 certificate, in compliance with 28 U.S.C. § 1915(a), or pay the \$402 filing fee for a civil action, the
12 Court will recommend this case be dismissed without prejudice.

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14 DATED this 24th day of August, 2022.

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17 ELAYNA J. YOUCHAH
18 UNITED STATES MAGISTRATE JUDGE
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